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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,017	10/10/2005	Rodney Curren	GLIN0101PUSA	1313
22045	7590	05/16/2007		
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER SAWHNEY, HARGOBIND S	
			ART UNIT 2885	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,017	<b>Applicant(s)</b> CURREN ET AL.	
	<b>Examiner</b> Hargobind S. Sawhney	<b>Art Unit</b> 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/10/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14, 16-20 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 9, 15, 21 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/31/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent No.: DE 29706560 U1 (Thau).

Regarding claims 1-4, 6, 7, Thau discloses a handle 6 attachable to a flashlight 3 including an activation switch 4 (Figure 1, English translated abstract), and the handle 6 comprising:

- A handle body 6 attachable to the flashlight 3 with attachment means 13 (Figures 1 and 6, English translated abstract); an actuator 7 fitted to the handle body 6, and operable at the free end of the handle body 6 (Figures 1 and 9, English translated abstract); with the handle 6 in attached position, the actuator 7 registered with the switch 4 (Figures 1 and 7, English translated abstract); the switch 4 being a press-button switch (Figure 1, English translated abstract); the actuator 7 being positioned within the body of the handle body 6 (Figures 1 and 9, English translated

abstract); the actuator 7 being a pressure- lever returning to its standby position (Figure 9);

Note: Thau teaches the actuator being a pressure lever, which applies pressure with every actuation. Further, because of its eccentric and unbalanced distribution of weights respective to the fulcrum-pin, the actuator would return to its original position when it is not acted upon the pad by an external force.

- The actuator 7 including an actuator rod – positionable directly above the press-button switch 4 during the attachment of the handle body 6 to the flashlight 3 (Figures 1 and 9, English translated abstract); and the attachment means 13 being a clamping collar (Figures 1 and 6, English translated abstract).

Regarding claim 10, Thau discloses a baton (Figure 1) meeting all limitations, except the following, in similar manner as that applied to claims 1 discussed above.

Further, Thau discloses the baton further including:

- A flashlight 1 including a switch 4 for activation (Figures 1, English translated abstract); and a handle 6 attachable to the flashlight 1 (Figures 1 and 8, English translated abstract).

Regarding claims 11-14, Thau discloses the baton meeting the limitations in similar manner as that applied to claim 10 in combination with respective claims 2, 4, 6 and 7.

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3. Claims 1, 7, 8 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Design Patent No. Des. 401,376 (Lum).

Regarding claims 1, 7, 8 and 28, Lum discloses a handle – vertical member attachable to a flashlight, and including an activation switch – positioned at the free end of the handle (Figure 1) the handle comprising:

- A handle body attachable to the flashlight with attachment means – Upper and lower halves attachable to the flashlight- (Figure 1); the actuator positioned in the top of handle body, and operable at the free end of the handle body (Figure 1); with the handle in attached position, the actuator registered with – aligned with - the switch (Figure 1); the clamp body being a clamp collar including a switch access hole aligning the flashlight switch and the actuator mounted on the handle (not shown).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent No.: DE 29706560 U1 (Thau) in view of US Patent No.: 5,871,272 (Sharrah et al.).

Regarding claim 5, Thau discloses a baton assembly comprising an actuator capable of actuating a switch as applied to claims 1 and 4 discussed in section 2 above. However, Thau does not specifically teach the actuator including a spring biasing the actuator for it to return to the standby position.

On the other hand, Sharrah et al. discloses a flashlight including an actuator 434 pivoted with a pin 439, and operationally coupled to a spring 432 enabling the actuator to return to a standby position (Figures 20 and 21, column 7, lines 44-51).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the baton handle of Thau by providing the spring loaded actuator as taught by Sharrah et al. for the benefits of assured returning of the actuator to its standby position bypassing frictional or other mechanical interferences.

6. Claims 16-20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent No.: DE 29706560 U1 (Thau).

Regarding claims 16-20, Thau discloses a baton assembly including: a flashlight with a switch, a handle, attachment means for the handle, an actuator; applied to claims 10-14 discussed in section 2 above. Thau's teachings meeting the limitations of claims 10-14 also meet the limitations of claims 16-20 of the kit claimed by the applicant.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to realize that the pre-assemble package of all apparatus elements would make the claimed kit for the benefits of assembling the device.

Regarding claims 22-25, Thau discloses a baton assembly including: a flashlight with a switch, a handle, attachment means for the handle, an actuator; applied to claims 10-14 discussed in section 2 above.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to meet the method limitations of claims 22-25 by directly applying Thau's teaching of the baton coupled to a flashlight as applied to claims 10-14.

***Allowable Subject Matter***

7. Claims 9, 15, 21 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a flashlight attachment handle combining:

- A clamping collar including a slit extending radially and outwardly on each of the opposing sides of the handle body, the slit are made narrower with compression applied for attaching the handle to the flashlight as recited in each of claims 9, 15 and 21; and
- Method steps for providing a collar integrally formed with the handle; and the collar including a slit extending radially and outwardly on each of the opposing sides of the handle body, the slit are made narrower with compression applied for attaching the handle to the flashlight as recited in each of claim 27.

The above-indicated combination, including a collar with radially extending slits as discussed above, makes this invention unique.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clyde et al. (US Patent No.: 5,347,436), Wolfram (US Patent No.: 5,405,134).  
Patricca (US Patent No.: 5,580,157), Wong et al. (US Patent No.: 6,749,316  
B1), Todd (US Patent No.: 6,761,639 B2) and Stethem (US Patent No.:  
6,791,816 B2)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:00 AM - 4:30 PM 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk Lee can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

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5/10/07

  
Examiner: Hargobind S. Sawhney